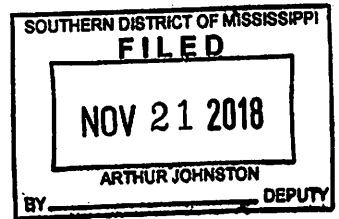


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**



DOUGLAS HANDSHOE

v.

CIVIL ACTION NO. 1:15cv382-HSO-JCG

VAUGHN PERRET, CHARLES LEARY &
DANIEL ABEL, D/B/A/ TROUT POINT
LODGE LTD OF NOVA SCOTIA & IN
THEIR INDIVIDUAL CAPACITIES
PROGRESS MEDIA GROUP LIMITED,
MARILYN SMULDERS, & ASHOKA

**RESPONSE IN OPPOSITION TO COUNTERCLAIMANT LEARY'S
MOTION FOR RECONSIDERATION (ECF# 294)**

Plaintiff / Counter-Defendant Douglas Handshoe respectfully submits this response in opposition to Defendant Charles Leary's Motion for Reconsideration (ECF# 294) and he will show that Mr. Leary's Motion should be denied.

Leary's Motion should be denied for numerous reasons including that the Court did not err in dismissing Leary's claim under 11 U.S.C. § 362 or the state common law abuse of process claim for the reasons stated by the Court in its *Memorandum Opinion and Order Granting In Part And Denying In Part Plaintiff/Counter-Defendant Douglas Handshoe's [244] Motion To Dismiss* (ECF #293). However, assuming *arguendo* the Court were to find otherwise Handshoe additionally would show:

1. This Court does not have subject matter jurisdiction over the 11 U.S.C. §362 claim or alternatively;
2. By both local rule, local standing order and 28 U.S.C. § 157(a) these claims, core to the bankruptcy proceedings involving Slabbed New Media, L.L.C., should not be withdrawn from the purview of the Bankruptcy Court.
3. Leary failed to state a claim under § 362 to which he would be entitled to relief.
4. The dismissal of Leary's Abuse of Process claims was proper.

These matters are more fully discussed in the accompanying Memorandum that is contemporaneously filed with this Opposition.

Respectfully submitted this 21st day of November,
2018,



Plaintiff
Douglas Handshoe
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CERTIFICATE OF SERVICE

I, Douglas Handshoe, hereby certify that on November 21, 2018 the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk.

I, Douglas Handshoe, hereby certify that on November 21, 2018, I mailed the foregoing to Charles Leary at 308 5th Ave E, Vancouver, BC V5T 1H4 Canada.

Respectfully submitted this 21st day of November, 2018,



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